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| 09/483,561 | 01/14/2000 | Melvin M. Takata | CIT10144 | 8542 |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2623

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483561

Applicant(s)

Melvin M. Takata et al.

Examiner

S. Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11/18/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above, claim(s) 16-26, 42-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 27-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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1. Applicant's election without traverse of Group I (claims 1-15 and 27-41) in Paper No. 8 is acknowledged.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: stored image database 34 on page 5, line 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 27-41, are denied priority to provisional Application 60/116,115 filed 01/15/99, because provisional Application 60/116,115 never disclosed anywhere "classifiable reference characteristic" nor disclosed classifying the characteristics of the individual. This subject matter is only disclosed in the instant Application and has the filing date 01/14/2000 as it's priority.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Rejection under 35 U.S.C. 102(e), Patent Application Publication or Patent to Another with earlier filing date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

5. Claims 1-4, 6-8, 10, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwab (U.S. Patent 5,973,731).

As to claim 1, Schwab discloses a method for identifying a presented individual, comprising:

determining a match between a presented image metric, representing at least one characteristic of a presented image of the presented individual, and a reference metric selected from a predetermined arrangement of a plurality of reference metrics [physical appearance in an image obtained from an individual during identification is compared (matched) with physical appearances stored in a database (reference metrics), characteristics of physical appearance are eye scan color of the eyes, hair color weight (col. 2, lines 1-12, col. 9, line 47-col. 10, line 3, col. 10, lines 13-19], wherein each one of the plurality of reference metrics represents at least one reference characteristic of one of a plurality of known individuals (col. 10, lines 13-19); and

identifying the presented individual as one of the plurality of known individuals if a match is found between the presented image metric and one of the plurality of reference metrics (col. 4, lines 4-12, col. 10, lines 28-31).

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As to claim 2, Schwab further discloses, further comprising arranging the predetermined arrangement based on the at least one characteristic of the presented image metric [the images are stored in a local database (predetermined arrangement) based on a decision of the manager of the image (user) that it is useful for local identification (user defined characteristic) (col. 2, lines 52-59, col. 4, lines 39-47)].

As to claim 3, Schwab further discloses, wherein the at least one characteristic of the presented image metric comprises a physical characteristic of the presented individual (col. 2, lines 7-12, col. 9, lines 47-50).

As to claim 4, Schwab further discloses, wherein the physical characteristic is selected from the group consisting of hair color, skin tone, and facial characteristic of the presented individual (col. 2, lines 7-12, col. 9, lines 47-50).

As to claim 6, Schwab further discloses, further comprising arranging the predetermined arrangement based on a user-defined characteristic of each of the plurality of reference metrics [the images are stored in a local database (predetermined arrangement) based on a decision of the manager of the image (user) that it is useful for local identification (user defined characteristic) (col. 2, lines 52-59, col. 4, lines 39-47)].

As to claim 7, Schwab further discloses, wherein the user-defined characteristic comprises a non-image-related characteristic of each of the plurality of known individuals [the storage of images in a local database is based on regular customers at a particular retail store (non-image related characteristic) (col. 2, lines 52-59, col. 4, lines 39-47)].

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As to claim 8, Schwab further discloses, wherein the non-image related characteristic is selected from a group consisting of geography, memberships, affiliations and individual habits [the storage of images in a local database is based on regular customers at a particular retail store (non-image related characteristic is based on memberships or affiliations with a particular retail store) (col. 2, lines 52-59, col. 4, lines 39-47)].

As to claim 10, Schwab further discloses, wherein the predetermined arrangement is based on a combination of the at least one characteristic of the presented image metric and a non-image-related characteristic of each of the plurality of known individuals [physical appearances stored in a database (reference metrics), characteristics of physical appearance are eye scan color of the eyes, hair color weight (col. 2, lines 7-12, col. 9, line 47-50), the decision to store the images in a local database and not a centralized database is based on non-image-related characteristic such as affiliation with a specific retail store (col. 2, lines 52-59, col. 4, lines 39-47), i.e. a combination of physical appearance and non-image-related characteristic].

As to claim 15, Schwab further discloses, wherein determining the match comprises identifying and comparing the at least one characteristic of the presented image metric with a corresponding characteristic of at least one of the predetermined arrangement of the plurality of reference metrics (col. 9, lines 47-50, col. 10, lines 15-18, col. 10, lines 27-30).

6. Claims 27-30, 32-34, 36, 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Morimoto et al. (U.S. Patent 6,418,235).

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As to claim 27, Morimoto discloses a computer system for identifying a presented individual represented at least in part by presented image data, comprising:

a memory having a plurality of reference metrics, wherein each of the plurality of reference metrics represents a reference image of at least a portion of one of a plurality of known individuals, and wherein each of the plurality of reference metrics includes at least one classifiable reference characteristic of the reference image (col. 1, lines 42-47, col. 2, lines 33-34, Fig. 3, col. 3, lines 26-55);

a processor in communication with the memory and operable to receive the presented image data, the processor operable to run a program to convert the presented image data to a presented image metric having at least one classifiable characteristic of the presented individual, the program further operable to retrieve at least a predetermined arrangement of the plurality of reference metrics, wherein the program generates an identification signal to identify the presented individual as an one of the plurality of known individuals if a match is found between the presented image metric and one of the predetermined arrangement of reference metrics (col. 4, lines 11-25).

As to claim 28, Morimoto further discloses, wherein the predetermined arrangement is based on the at least one classifiable characteristic of the presented image metric (col. 3, lines 44-66).

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As to claim 29, Morimoto further discloses, wherein the at least one classifiable characteristic of the presented image metric comprises a physical characteristic of the presented individual (col. 3, lines 44-66).

As to claim 30, Morimoto further discloses, wherein the physical characteristic is selected from a group consisting of a facial characteristic, hair color, skin tone and an iris characteristic (col. 3, lines 44-66).

As to claim 32, Morimoto further discloses, wherein the predetermined arrangement is based on a user-defined characteristic of each of the plurality of reference metrics [Fig. 3, shows the predetermined arrangement in the database is based on address, company name, sexuality, age group (user defined characteristic)].

As to claim 33, Morimoto further discloses, wherein the user-defined characteristic comprises a non-image-related characteristic of each of the plurality of known individuals [address, company name, sexuality, age group (user defined characteristic) shown in Fig. 3 are non-image-related characteristic].

As to claim 34, Morimoto further discloses, wherein the non-image-related characteristic is selected from the group consisting of a geographical characteristic, an affiliation characteristic and an individual habit characteristic [Fig. 3 shows the user defined non-image-related characteristic consisting of company name (an affiliation characteristic), collation frequency rate or specific person such as loitering person (individual habit characteristic)].

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As to claim 36, Morimoto further discloses, wherein the at least one classifiable characteristic of the reference image includes a non-image-related characteristic of each of the plurality of known individuals, and wherein the predetermined arrangement is based on a combination of the at least one classifiable characteristic of the presented image metric and the non-image-related characteristic of each of the plurality of known individuals [Fig. 3, shows the data is stored in the database based on combination of attribute data (sexuality, age group, address, company name (non-image-related characteristic) and face data (classifiable characteristic of the presented image metric)].

As to claim 40, Morimoto further discloses, further comprising a camera operable for capturing the presented image of the presented individual and outputting the presented image data representing the presented image (Fig. 2, camera 13).

As to claim 41, Morimoto further discloses, further comprising a secure system having restricted access, wherein the identification signal is receivable by the secure system for determining access [Fig. 2, accessing a door 11 of a secure area].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (U.S. Patent 5,973,731) as applied to claims 1 and 3 above, and further in view of Mann et al. (U.S. Patent 6,119,096).

As to claim 5, Schwab does not disclose, wherein the at least one characteristic of the presented image metric comprises a characteristic of a presented iris of the presented individual.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Schwab's system by using the characteristics of the iris of the individual in order to uniquely identifying an individual as the authorized individual within an acceptable margin of error.

As to claim 9, Schwab does not disclose, further comprising arranging the predetermined arrangement as a selected subset of the plurality of reference metrics based on an ordered search of the database.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). The system compares the images collected by biometric scanners at the exit point with subset of the overall database of stored images representing persons who entered the transit system but have not exited (ordered search using a subset) (col. 9,

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lines 13-22). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Schwab's system by using a selected subset of the plurality of reference metrics based on an ordered search of the database in order to increase system search and response speed.

As to claim 11, Schwab further discloses, further comprising arranging the predetermined arrangement based on a combination of, one of a physical characteristic of the presented individual and a non-image-related characteristic of each of the plurality of known individuals [physical appearances stored in a database (reference metrics), characteristics of physical appearance are eye scan color of the eyes, hair color weight (col. 2, lines 7-12, col. 9, line 47-50), the decision to store the images in a local database and not a centralized database is based on non-image-related characteristic such as affiliation with a specific retail store (col. 2, lines 52-59, col. 4, lines 39-47), i.e. a combination of physical appearance and non-image-related characteristic].

Schwab does disclose, using a characteristic of a presented iris of the presented individual.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Schwab's system by

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using the characteristics of the iris of the individual in order to uniquely identifying an individual as the authorized individual within an acceptable margin of error.

9. Claims 31,35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (U.S.Patent 6,418,235) as applied to claims 27 and 28 above, and further in view of Mann et al.(U.S.Patent 6,119,096).

As to 31, Morimoto does not disclose, wherein the at least one classifiable characteristic of the presented image metric comprises a characteristic of a presented iris of the presented individual.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Morimoto's system by using the characteristics of the iris of the individual in order to uniquely identifying an individual as the authorized individual within an acceptable margin of error.

As to claim 35, Morimoto does not disclose, wherein the predetermined arrangement is a selected subset of the plurality of reference metrics based on an ordered search of the plurality of reference metrics.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). The system compares the images collected by biometric

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scanners at the exit point with subset of the overall database of stored images representing persons who entered the transit system but have not exited (ordered search using a subset) (col. 9, lines 13-22). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Morimoto's system by using a selected subset of the plurality of reference metrics based on an ordered search of the database in order to increase system search and response speed.

As to claim 37, Morimoto further discloses, further comprising arranging the predetermined arrangement based on a combination of, one of a physical characteristic of the presented individual and a non-image-related characteristic of each of the plurality of known individuals [Fig. 3, shows the data is stored in the database based on combination of attribute data (sexuality, age group, address, company name (non-image-related characteristic) and face data (physical characteristic of the presented individual)].

Morimoto does disclose, using a characteristic of a presented iris of the presented individual.

Mann discloses a system for automatic iris detection for identification of a passenger, the system may rely on any stable physical characteristic or a combination of such characteristics for identification (col. 5, lines 57-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Mann's teachings to modify Morimoto's system by using the characteristics of the iris of the individual in order to uniquely identifying an individual as the authorized individual within an acceptable margin of error.

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10. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (U.S. Patent 5,973,731) as applied to claim 1 above, and further in view of Daugman (U.S. Patent 5,291,560).

As to claim 12, Schwab does not disclose, further comprising arranging the predetermined arrangement by binning the plurality of reference metrics based on the at least one reference characteristic of the plurality of known individuals such that reference metrics having similar reference characteristics are arranged in the same bin.

Daugman discloses an iris recognition system to form a unique iris code (Abstract). A histogram is applied to 1,228 pairs of different pictures (plurality of reference metrics) of the same iris obtained at different times as shown in Fig. 28 in order to group the similar iris codes together (binning) (col. 15, lines 40-58). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Daugman's teachings to modify Schwab's system by binning the plurality of reference metrics based on the at least one reference characteristic of the plurality of known individuals such that reference metrics having similar reference characteristics are arranged in the same bin in order to obtain a reliable identification code and optimize the identification process.

As to claim 13, Schwab does not disclose, further comprising concurrently determining a match between a plurality of presented image metrics and the plurality of reference metrics, wherein each of the plurality of presented image metrics represents at least one characteristic of a presented image of one of a plurality of presented individuals, and wherein the predetermined

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arrangement comprises a circular presentation of the plurality of reference metrics, and identifying each of the plurality of presented individuals as one of the plurality of known individuals if a match is found between one of the plurality of presented image metrics and one of the plurality of reference metrics.

Daugman discloses an iris recognition system to form a unique iris code (Abstract). The universal format of iris codes are used for rapid parallel (concurrent) search across large database of stored reference iris codes to determine identity of the individual (col. 3, lines 14-20, col. 18, lines 1-9). The comparison is implemented by lateral scrolling of the iris codes relative to each other, the codes were wrapped around into a cylinder and then rotating the cylinder and repeating the comparison process (circular presentation of the plurality of reference metrics) (col. 12, lines 54-63). The subject is identified if a match is found (Fig. 1, steps 26, 28). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Daugman's teachings to modify Schwab's system by concurrently determining a match between a plurality of presented image metrics and the plurality of reference metrics, wherein each of the plurality of presented image metrics represents at least one characteristic of a presented image of one of a plurality of presented individuals, and wherein the predetermined arrangement comprises a circular presentation of the plurality of reference metrics, and identifying each of the plurality of presented individuals as one of the plurality of known individuals if a match is found between one of the plurality of presented image metrics and one of the plurality of reference metrics in order to in order to increase system search and response speed.

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As to claim 14, Schwab does not disclose, wherein the presented image metric and each of the plurality of reference metrics are in a digital format that provides a substantially repeatable representation of the at least one characteristic of a presented image of the presented individual and the at least one reference characteristic of one of a plurality of known individuals, respectively.

Daugman discloses an iris recognition system to form a unique iris code (Abstract). The image of the eye is acquired in digital form suitable for analysis (col. 4, lines 55-56). An iris identification code of 2048 bits is obtained (col. 17, lines 52-62). The hamming distances encountered among different pictures of the same iris is .084 (col. 17, lines 40-46), i.e. the iris code provides substantially repeatable representation of the iris for stored reference codes and presented codes. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Daugman's teachings to modify Schwab's system by provides a substantially repeatable representation of the at least one characteristic of a presented image of the presented individual and the at least one reference characteristic of one of a plurality of known individuals, respectively in order to obtain a reliable identification code and optimize the identification process.

11. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (U.S.Patent 6,418,235) as applied to claim 27 above, and further in view of Daugman (U.S.Patent 5,291,560).

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As to claim 38, Morimoto does not disclose, wherein the predetermined arrangement comprises binning the plurality of reference metrics based on the at least one classifiable reference characteristic of the plurality of known individuals such that reference metrics having similar reference characteristics are arranged in the same bin.

Daugman discloses an iris recognition system to form a unique iris code (Abstract). A histogram is applied to 1,228 pairs of different pictures (plurality of reference metrics) of the same iris (classifiable characteristic) obtained at different times as shown in Fig. 28 in order to group the similar iris codes together (binning) (col. 15, lines 40-58). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Daugman's teachings to modify Morimoto's system by binning the plurality of reference metrics based on the at least one reference characteristic of the plurality of known individuals such that reference metrics having similar reference characteristics are arranged in the same bin in order to obtain a reliable identification code and optimize the identification process.

As to claim 39, Morimoto does not disclose, further comprising a carousel program within the processor, wherein the carousel program is operable for concurrently determining a match between a plurality of received presented image metrics and the plurality of reference metrics, wherein each of the plurality of presented image metrics represents at least one characteristic of a presented image of one of a plurality of presented individuals, and wherein the predetermined arrangement comprises a circular presentation of the plurality of reference metrics, and wherein the carousel program generate an identification signal to identify each of

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the plurality of presented individuals as one of the plurality of known individuals if a match is found between one of the plurality of presented image metrics and one of the plurality of reference metrics.

Daugman discloses an iris recognition system to form a unique iris code (Abstract). The universal format of iris codes are used for rapid parallel (concurrent) search across large database of stored reference iris codes to determine identity of the individual (col. 3, lines 14-20, col. 18, lines 1-9). The comparison is implemented by lateral scrolling of the iris codes relative to each other, the codes were wrapped around into a cylinder and then rotating the cylinder and repeating the comparison process (circular presentation of the plurality of reference metrics) (col. 12, lines 54-63). The subject is identified if a match is found (Fig. 1, steps 26, 28). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Daugman's teachings to modify Morimoto's system by using a carousel program within the processor, wherein the carousel program is operable for concurrently determining a match between a plurality of received presented image metrics and the plurality of reference metrics, wherein each of the plurality of presented image metrics represents at least one characteristic of a presented image of one of a plurality of presented individuals, and wherein the predetermined arrangement comprises a circular presentation of the plurality of reference metrics, and wherein the carousel program generate an identification signal to identify each of the plurality of presented individuals as one of the plurality of known individuals if a match is found between one of the


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plurality of presented image metrics and one of the plurality of reference metrics in order to in order to increase system search and response speed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Ahmed whose telephone number is (703) 305-9870. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for this Group is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SA

1/224/03

A handwritten signature in black ink, appearing to be 'SA', written over a horizontal line.

**SAMIR AHMED
PRIMARY EXAMINER**